

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>TINA SCHEUREN,</b>	:	
	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 4:20-1189</b>
	:	
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
	:	
<b>KILOLO KIJAKAZI,</b>	:	
<b>Commissioner</b>	:	
<b>of Social Security,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

Pending before the court is the November 24, 2021 report of Magistrate Judge Joseph F. Saporito, which recommends that the decision of the Commissioner of Social Security denying the plaintiff's claim for supplemental security income under Title XVI of the Social Security Act be reversed and the plaintiff's appeal be granted to the extent that this case be remanded for a new administrative hearing. (Doc. 19). To date, neither the plaintiff nor the Commissioner has filed objections to the report, and the time within which to do so has expired. Upon review, the report of Judge Saporito will be adopted in its entirety.

When no objections to a report and recommendation are filed, the court should, as a matter of good practice, "satisfy itself that there is no clear error

on the face of the record in order to accept the recommendation.” Fed.R.Civ.P. 72(b), advisory committee notes; see *also* Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

In his report, Judge Saporito finds that substantial evidence does not support the ALJ’s decision denying plaintiff’s claim since the ALJ erred when he failed to give controlling weight to the opinions of plaintiff’s treating psychiatrists, Dr. Wehman and Dr. Johnson, and only afforded the opinions limited weight. The court has reviewed the evidence of record as a whole and finds no clear error of record with regard to Judge Saporito’s findings with respect to the issue presented. Moreover, the court agrees with the sound reasoning that led Judge Saporito to the conclusions in his report. As such, the court will adopt the report and recommendation of Judge Saporito as the decision of the court.

In light of the foregoing, **IT IS HEREBY ORDERED THAT:**

- (1) The report and recommendation of Judge Saporito, (**Doc. 19**), is **ADOPTED IN ITS ENTIRETY**, as the ruling of the court.
- (2) The plaintiff's appeal, (**Doc. 1**), is **GRANTED** to the extent she requests that the decision of the Commissioner be **REMANDED** for a new administrative hearing.
- (3) The Clerk of Court is directed to **CLOSE THIS CASE**.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**Date: January 5, 2022**

20-1189-01